IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14016 of 1993

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VAGHARI MAFABHAI LAKHUBHAI & 4 - Petitioner(s)

Versus

STATE OF GUJARAT & 1 & 1 - Respondent(s)

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Appearance :

MR SV RAJU for Petitioner(s) : 1 - 5.
None for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 20/09/2005

ORAL JUDGMENT

In this petition, the petitioners have challenged the legality and validity of the judgment and order passed by the Deputy Secretary, Revenue Department (Appeals), State of Gujarat, dated 4th January 1993 in Revision Application SRD No. 7/1992

in dismissing the same and confirming the order passed by the Collector, Mehsana, dated 8.6.1992 directing the petitioners to maintain status-quo till the enquiry/proceeding for breach of Section 65 of the Bombay Land Revenue Code is completed.

2. The dispute is with regard to land bearing Survey No. 402 and N.A. Use permission was granted by the Collector, Mehsana, under Section 65 of The Bombay Land Revenue Code [“the Code” for short] by his order dated 6.5.1991. The Collector, Mehsana, was of the opinion that there is breach of condition of Non-Agricultural Use Permission and directed the Mamlatdar, Visnagar to hold enquiry and during its pendency the petitioners were directed to maintain status-quo. Being aggrieved and dissatisfied with the said interim order passed by the Collector, Mehsana, dated 8.6.1992 the petitioners preferred Revision Application SRD No. 7/1992 which came to be dismissed by the Deputy Secretary (Appeals), Revenue Department of the State Government by judgment and order dated 4-1-1993. Being aggrieved and dissatisfied with the judgment and order passed by the Deputy Secretary (Appeals), Revenue Department, dated 4.1.1993 in Revision Application SRD No. 7/1992 in dismissing the same and confirming the interim order passed by the Collector, Mehsana, dated 8.6.1992 the petitioners have preferred the present Special Civil Application under Article 226/227 of the Constitution of India.

3. In view of the fact that by order dated

8.6.1992 the Collector, Mehsana, granted interim order directing the petitioners to maintain status-quo during the pendency of the enquiry and the same was not a final order the same could not have been challenged by the petitioners by way of Revision Application before the Deputy Secretary (Appeals) and under the circumstances the revisional authority was justified in dismissing the said revision application. Even otherwise, the said interim order is of 1992 and by now the proceedings must have been concluded. However, if the said proceedings are not concluded by the Collector, Mehsana, the Collector, Mehsana is directed to conclude the proceedings on the basis of which the interim order dated 8th June 1992 was issued by the Collector, Mehsana, as early as possible preferably within the period of six months from the date of receipt of this order.

4. With these observations and direction, the present Special Civil Application is dismissed. Rule is discharged. Ad-interim relief, if any, shall stand vacated forthwith.

[M.R. Shah, J.]

RMR.